

United States District Court**for the****Eastern District of Washington**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jan 04, 2022**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Larry Nicholas Kennedy Case Number: 0980 2:18CR00218-SMJ-1

Address of Offender: Liberty Lake, Washington 99019

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Name of Supervisory Judicial Officer: The Honorable Salvador Mendoza, Jr., U.S. District Judge

Date of Original Sentence: June 14, 2021

Original Offense: Felon in Possession of a Firearm and Ammunition, 18 U.S.C. §§ 922(g)(1) and 924(a)(2);
Possession of an Unregistered Firearm, 26 U.S.C. §§ 5845 and 5871Original Sentence: Prison - 429 days; Type of Supervision: Supervised Release
TSR - 36 days

Asst. U.S. Attorney: Earl A. Hicks Date Supervision Commenced: June 14, 2021

Defense Attorney: Kathryn Patricia Lucido Date Supervision Expires: June 13, 2024

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 10/26/2021, 11/16/2021, and 12/21/2021.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
15	<p><u>Special Condition #4:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.</p> <p><u>Supporting Evidence:</u> Mr. Kennedy is considered to be in violation of his supervised release by using a controlled substance, amphetamine and methamphetamine, on or about December 17, 2021.</p> <p>On June 21, 2021, this officer reviewed the judgment and sentence with Mr. Kennedy. He stated he understood the conditions of his supervised release, which included special condition number 4.</p> <p>On December 17, 2021, Mr. Kennedy submitted to a drug screen at Pioneer Human Services (PHS) at the direction of this officer. Mr. Kennedy submitted a sample that was presumptive positive for methamphetamine and he denied any use of controlled substances. As a result,</p>

Prob12C

Re: Kennedy, Larry Nicholas

January 4, 2022

Page 2

the sample was sent to the national lab. On December 30, 2021, the national lab reported the sample provided on December 17, 2021, was confirmed positive for methamphetamine and amphetamine.

- 16 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Kennedy is considered to be in violation of his supervised release by failing to report for drug testing on December 23 and 28, 2021.

On June 21, 2021, this officer reviewed the judgment and sentence with Mr. Kennedy. He stated he understood the conditions of his supervised release, which included special condition number 4.

On December 24 and 29, 2021, this officer received notification from Pioneer Human Services (PHS) that Mr. Kennedy had failed to submit to drug testing. This officer made contact with Mr. Kennedy on December 29, 2021, after several failed attempts. He indicated he was not aware he had missed his drug screens and provided no excuses.

- 17 **Special Condition #5:** The defendant will be monitored by the form of location monitoring technology indicated below for a period of 36 months, and the defendant must follow the rules and regulations of the location monitoring program. The Court finds the defendant unable to pay for location monitoring, therefore, is exempt from any monthly cost, however, the defendant is still financially responsible for any damages outside of normal wear and tear. Location monitoring technology at the discretion of the probation officer, Radio Frequency (RF) Monitoring. This form of location monitoring technology will be used to monitor the following restriction on your movement in the community. The defendant is restricted to your residence every day from 10:00 p.m. to 6:00 a.m. unless previously approved by the supervising officer.

Supporting Evidence: Mr. Kennedy is considered to be in violation of his supervised release by failing to return home by his 10 p.m. curfew on or about December 31, 2021.

On June 21, 2021, this officer reviewed the judgment and sentence with Mr. Kennedy. He stated he understood the conditions of his supervised release, which included special condition number 5.

On December 31, 2021, at approximately 11:06 p.m., the on-call location monitoring specialist was alerted by the location monitoring company, B.I., that Mr. Kennedy had failed to return home at his 10 p.m. curfew, and attempts to contact him were unsuccessful. The on-call officer attempted to contact Mr. Kennedy as well, to no avail. This officer reviewed the alert the following morning and saw Mr. Kennedy did not return to his residence until 3:12 a.m. Mr. Kennedy was directed, on January 1, 2021, to call this officer immediately and he again failed to do so.

Prob12C

Re: Kennedy, Larry Nicholas

January 4, 2022

Page 3

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

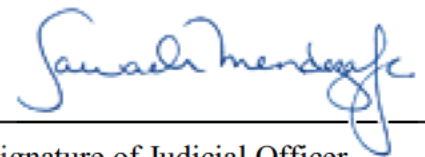
Executed on: s/Emely Cubias

January 4, 2021

Emely Cubias
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

01/04/2022

Date